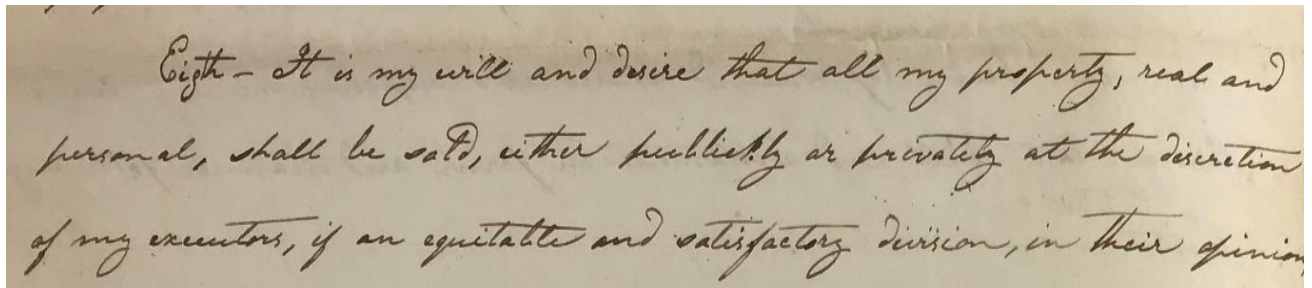


## Wills-Documents of Freedom or Tragedy

One of the most significant legal records that impacted an enslaved person's life was the enslaver's will. That single document could provide freedom, or it could bring new horror if enslaved people were divided among family members or directed to be sold.

Charles Lewis, who lived in Arcola, wrote his will on November 12, 1841. He directed his executors to sell his real and personal property and divide the proceeds among his designated heirs. After his death, his will was submitted to the court in 1843 to start the estate probate process.

*Will Book 2A Page 328*



Eighth - It is my will and desire that all my property, real and personal, shall be sold, either publicly or privately at the discretion of my executors, if an equitable and satisfactory division, in their opinion

The laws during the period of slavery considered enslaved people to be personal property, and they were inventoried and appraised as part of the estate process. The people enslaved by Lewis were inventoried and appraised on May 3, 1843, as shown in the document below. The total estate, including the land he owned, was valued at \$14,132.50. The people he enslaved were appraised at \$7,200.00, accounting for 51%, of his total estate.

Note the appraisals for Jane Turner, Joe Sprawling, and Lydia Hogan. They were considered a liability against the estate (an encumbrance), probably due to old age, an illness, or a disability that prevented them from working. Each was valued at "less than nothing" and estimated to cost the estate \$100.00.

Sometimes the last names of enslaved people were recorded, as was the case for Lewis's estate. The instances of the same surname, especially Henderson and Simms, clearly indicates family connections.

The following is an Inventory and appraisement  
of the slaves and person<sup>al</sup> estate of Charles Lewis Esq: Decd.  
which comprises the whole of the personal estate except Crops  
in the Ground & cash in hand & debts due decedent

Slave	John Hornor left than nothing by	\$100.00	
	Joe Sprawling left than nothing by	100.00	
	Lysdia Hogan left than nothing by	100.00	
	amount of incumbrances	300.00	
	Nelson Turner valued at	250	00
	Margy Turner & Child	250	00
	Henry Newman	400	—
	W. Henderson	400	—
	George Henderson	425	—
	Sam Owings	425	—
	Charles Newman	400	—
	Henry Simms	425	—
	Tom Simms	425	—
	Charles Henderson Black Smith's staff	600	00
	Betsy & 3 children viz. John, Mary & Betsy	525	00
	Kelly and her child Nancy	400	00
	Fanny & her child Martha	400	—
	Caroline Henderson	325	—
	Mary Henderson	325	—
	Eliza Simms	325	—
	Haribal Simms	300	—
	Wm. Simms	150	—
	Harriet Simms	200	—
	Gustavia Simms	175	—
	Charles Simms	125	—
	Amand Simms	50	—
		300.00	7200.00
	deduct Valuation of slaves as an incumbrance	300	—
	Nett Valuation of all the Slaves		\$6900.00

Another step in the probate process was accounting for the funds, both income and expenses, handled by the executors. The document below shows several transactions involving enslaved people. Henry Simms was sold for \$431.04 around May 10, 1844. George Henderson was hired out for \$47.00 then sold on January 10, 1845 for \$425.00. The second image shows the accounting entry for the income of the sale of unnamed enslaved people for \$6,350.00.

Will Book 2C Page 72

Continued			C <sup>r</sup>	
1844	By Amount Brought Forward		\$ 12558 20	
			<u>\$ 12558 20</u>	
May 1	By Balance to debit		9557 41	
10	By Cash for Slave Henry Sims & Int:		421 04	
25	By do of R. Edwards, bal. on note		19 49	
"	By do for 1 share in L.R. T. Road Co		35 00	
June 3	By do " Rent of Distillery		20 00	
"	By do " " " Meadows		4 08	
Oct: 4	By Amount of Sales due this day		1722 51	
"	By Cash of M. B. Hutchison 1 <sup>st</sup> paymt. on Land		153 25	
Nov: 12	By do " L. Davis amount of note		115 55	
"	By do " do bal. on negro sold him by det.		78 00	
"	By do " B. W. Harrison atty. Entry in H Hutchins		107 40	
Dec: 20	By do " M. B. Hutchison amt. of note & Int:		167 42	
1845	Jan: 1	By do for hire of George Henderson	47 00	
	10	By do Cash in J. Beard	192 82	
	"	By do for claim in J. Lewis	344 06	
	"	By do " Sale of Negro, George Henderson	425 00	
		By 1 year Int: on bal. of 1844	573 44	
			<u>\$ 13419 95</u>	
May 1	By Balance to debit		11639 40	573 44
		add Int.	573 44	
	By Balance in the Exec <sup>rs</sup> hands with Int: on \$11639.40 from 1 May 1845		<u>\$ 12212 84</u>	



with F. A. Lewis Esq. and Martha J. Lewis Esq.

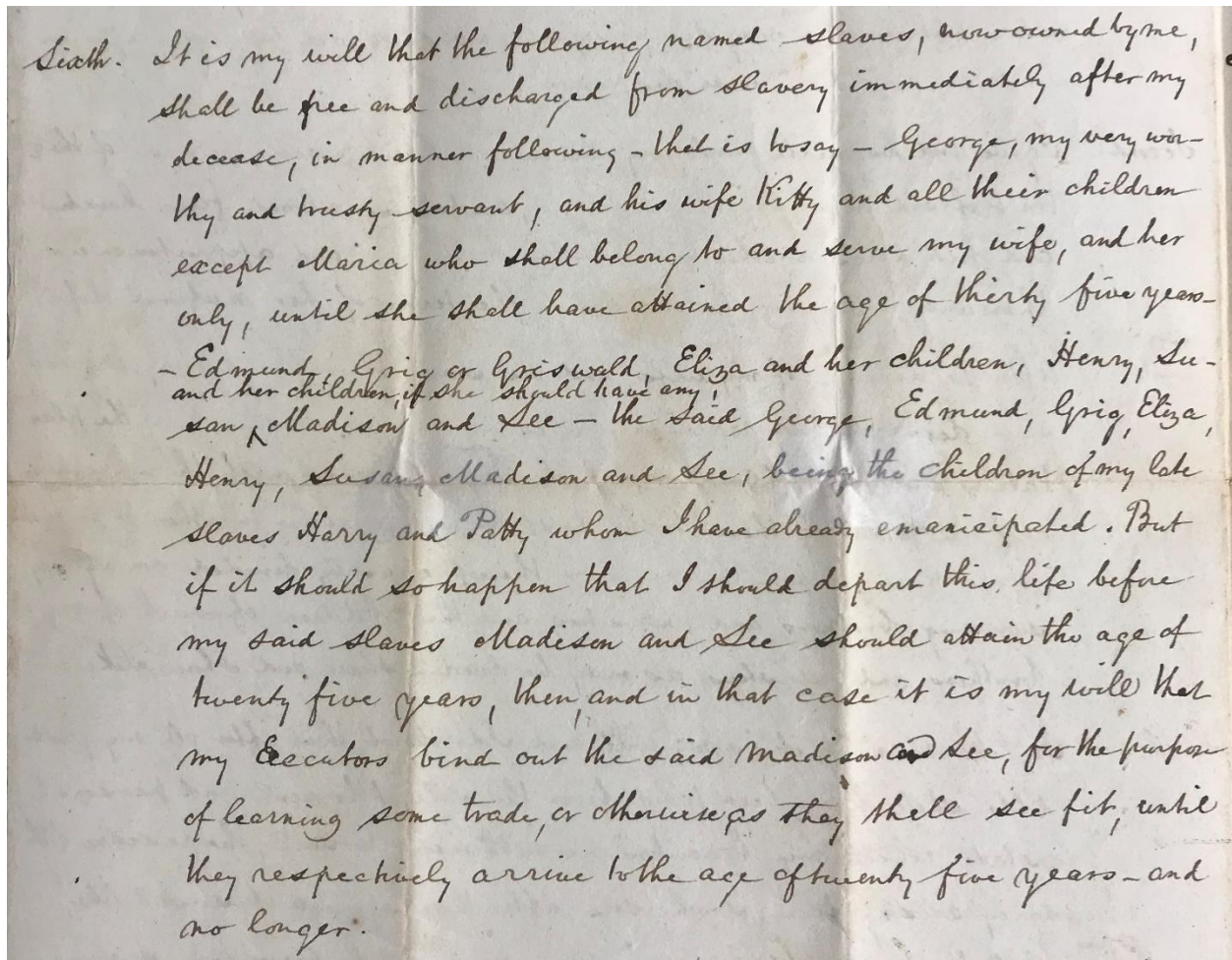
C<sup>r</sup>

1845				
May	1	By	Cash found on hand	
June	23	By	do of B. W. Harrison, on claims in his hands	162 00
	24	By	do " M. Hutchison, amt. of note & Int:	122 89
		By	do " do " " do	110 52
		By	do for 3 old sheep & 12 Lambs @ \$1.37 1/2	18 61
		By	do " 5 Calves @ \$3.50	20 62 1/2
Aug.	17	By	do of W. B. Lewis, Int. on Bond	17 50
Oct.	1	By	do for 84 Bus. Oats @ 33¢	180 00
		By	do " 45 " & 47 lbs Wheat @ 75¢	27 72
		By	do " 96 1/2 " Oats @ 30 1/2 ¢	34 32
		By	do " 52 " & 14 lbs. Wheat @ 90¢	29 48
		By	do found on hand	47 01
	3	By	do of Wm B. Lewis	125 00
		By	do " do amt. of Bond	180 00
		By	do on account of Slaves sold	3000 00
		By	do for 20 lbs Wool @ 25¢	6350 00
		By	do " Leythe and Cradle	5 00
		By	do of C. Davis first payment on Land	1 00
		By	do for small purchases at Sale	1000 00
Dec.	18	By	do of M. B. Hutchison	33 05
1846				
Feb.	6	By	do " J. M. Farland amt. of note & Int:	20 00
		By	do " do " " do for hire	13 65
		By	do " L. F. Mashin	100 00
		By	do " J. Beard	20 00
	9	By	do " B. W. Harrison atty. on claims in his hands	224 26
		By	do " A. D. Lee amt. of note & Int:	233 00
		By	do " J. Leclom " " do	107 50
		By	do " A. D. Lee " " do	93 11
		By	do " do " " do	26 87 1/2
		By	do " do " " do	64 38
		By	do " John Moore " " do	60 00
		By	do " Myat Alenhou " " do	24 75
April	10	By	do " E. Hutchison on Kelly's Note	70 00
	12	By	do for dividends on 1 share E. B. T. R. Stock	36 00
			Amount Car. forw?	12558 20

This example is from the estate of Joseph Lewis Jr., a relative of Charles Lewis above, who died in 1834. In the 6<sup>th</sup> clause of his will, written in 1830, he emancipated all of the people he enslaved except a woman named Maria. She was to remain in bondage with Lewis's wife Elizabeth until Maria reached the age of thirty-five. Research has shown that this family was the Bryant family.

Freedom for Madison and Lee was also conditional. If Lewis died before they reached age 25, his executors were instructed to hire them out so they could learn a trade. They would remain enslaved until each arrived "to the age of twenty five years and no longer."

Will Book V Page 209

A photograph of a handwritten document, likely a will, written in cursive ink on aged paper. The text is written in a single column and describes the testator's wishes regarding his enslaved people. It mentions George, his wife Kitty, and their children, as well as Edmund, Eliza, Henry, Susan, Madison, and Lee. It specifies that George, Edmund, Eliza, Henry, and Susan are to be freed immediately, while Madison and Lee are to remain enslaved until they reach the age of 25, at which point they are to be hired out to learn a trade. The document is signed "Joseph Lewis Jr." at the bottom.

Sixth. It is my will that the following named slaves, now owned by me, shall be free and discharged from slavery immediately after my decease, in manner following - that is to say - George, my very worthy and trusty servant, and his wife Kitty and all their children except Maria who shall belong to and serve my wife, and her only, until she shall have attained the age of thirty five years - Edmund, Eliza or Eliza, Eliza and her children, Henry, Susan and her children, if she should have any, son, Madison and Lee - the said George, Edmund, Eliza, Henry, Susan, Madison and Lee, being the children of my late slaves Harry and Patsy, whom I have already emancipated. But if it should so happen that I should depart this life before my said slaves Madison and Lee should attain the age of twenty five years, then and in that case it is my will that my Executors bind out the said Madison and Lee, for the purpose of learning some trade, or otherwise as they shall see fit, until they respectively arrive to the age of twenty five years - and no longer.

The story of the Bryant family does not end here. The accounting for Joseph Lewis Jr.'s estate shows that settlement of the estate dragged on for several years. Records show there were lawsuits against men who purchased land from the estate but had not paid in full. During this time, certain enslaved people who were supposed to be freed, and perhaps all, remained in bondage. The document below is a page from the estate accounting, and it shows the hiring out of Grigg during the years 1836 through 1838. Research indicates the Bryants were eventually freed as per the directive in Lewis's will.



with Nathan Lufborough surviving Executor

C<sup>11</sup>

1836	March	14	By Cash of Robt. E. Lee, on purchase at sale	130 00
	"	"	By do " H. Lufborough, " do of mare "Rowena"	150 00
	"	"	By do " Wm. Marsh, am't. of sale note	265.49
			deduct his acc't. as Estate	133.70
	May	23	By do " H. Lufborough, on sub't. as Ben: Rust's Edo.	95 66
	"	"	By do " James Bowles, for horse sold him	50 00
	"	"	By do " J. Kefmith, 1 year hire of old team	35 00
	June	25	By do " James Rogers, bal. of sale note	6 62
			By do " W. D. O. Carter, on loan sold her	117 50
	July	13	By do " R. E. Lee on sale note	75 00
		30	By do " do " do	100 00
	Aug.	13	By do " J. P. Culumy, in part for team sold him	3000 00
		16	By do " Robt. E. Lee on sale note	55 00
	Sept.	16	By do " Manly Triplett, bal. of do	41 75
	Oct.	18	By do " William Rust am't. " do	31 25
	Nov.	5	By do " Middleton on loan of "Red Rover"	45 00
		19	By do " E. R. O. Grayson, purchase of colt "Mountaineer"	675 00
	Dec.	14	By do " Thomas Eades, for hire of Grig	55 00
		17	By do " Silcott Cons't. on acc't. of claims put into his hands by J. Lewis in his life time	10 00
1837	Jan'y	25	By do " D. R. O. Grayson, bal. of sub't. on horses	3 20
	Feb'y.	29	By do " G. Lewis, for hire of negro Grig	18 50
	March	31	By do " B. W. Harrison, Edo. as Deacon, on sale note	248 74
	June	-	By do " R. E. Lee bal. on sale note	14 72
				\$5089 69
		1	By By Balance to debit	115 08
	Oct.	-	By Cash of Alex. Hunter, Four & Striders sale note	685 09
	Nov.	20	By do " John Grubb, Rest of mountain horse	33 10
			By do " Silcott Cons't., bal. of sub't. as Webster	5 15
1838	Jan'y	2	By do " B. W. Harrison, Edo. as Deacon	224 86
		8	By do " Chas. Lewis, on hire of Grig	40 00
		"	By do " Clark, atty. Wheeling, Caldwell's note	190 00
		2	am't. Cal'd for.	\$1293 28